

Student Duty of Care

Policy

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| Policy owner: | Manager Learning and Information Services |
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| Related policies and documents: | WAI Student Code of Conduct WAI Employee Code of Conduct Student Duty of Care Procedure Child Safe Policy Child Safe (Responding to and Reporting Child Abuse) Procedure Welfare and Accommodation Arrangements for International Students Under the Age of 18 Procedure Welfare for International Students Appendix 1 - 6 Diversity, Access and Equity for Students Policy First Aid Policy and First Aid Management Procedure Student Critical Incident Policy and Procedure VET Practical Placement Policy and Procedure Student Excursion Procedure and Appendix 1 - 6 Support for Students with Diagnosed Access Needs Policy and Procedure WAI Student Code of Conduct Student Guide (latest issued) Student Complaints, Grievances and Appeals Policy and Procedure Personal Emergency Evacuation Plans (PEEP) Procedure and Form Medication Management for Students Under the Age of 18 Policy |

Purpose

To ensure that William Angliss Institute (WAI) employees take appropriate measures to minimise risks to the safety and welfare of students in their care.

Coverage

This policy applies to all WAI employees and students on all sites. The duty of care extends to all student activity including face-to-face instruction, online delivery, industry placements, events, recreational activities and study tours.

Policy

WAI is committed to ensuring that reasonable care is taken to protect the safety and welfare of its students.

Employees are expected to protect students in their charge from risks of injury (physical and psychological).

WAI also recognises that students under the age of 18 have additional considerations and supervisory requirements. Furthermore, additional requirements are imposed on international underage students in

accordance with Commonwealth legislation and the Welfare and Accommodation Arrangement for International Students under the Age of 18 Procedure.

Employees are therefore accountable for ensuring a safe learning environment and to take reasonable measures to protect students in their charge from foreseeable injury.

Factors such as age, impact of disability, medical or mental health condition, relevant ethnic/cultural background (e.g. restrictions on the consumption of alcohol), and potential risks associated with the activity (e.g. sport, cooking, use of particular equipment), need to be considered to ascertain what is reasonable.

Definitions

- **Duty of Care** – the obligation of a person to exercise reasonable care such as the consideration of a person's age or disability, in the conduct of an activity.

Legislative and/or Institute Management Context

This policy enables WAI to comply with regulatory and management instruments including but not limited to the:

- National Vocational Education and Training Regulator Act 2011 (Clth)
- Children, Youth and Families Act (The Children's Act) 2005 (Vic)
- Working with Children Act 2005 (Vic)
- Education Services for Overseas Students Act 2000 (ESOS) (Clth)
- Education Services for Overseas Students Regulations 2001 (Clth)
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (Clth)
- Education & Training Reform Act 2006 (Vic)
- Occupational Health and Safety Act 2004 (Vic)
- Disability Discrimination Act 1992 (Clth)
- Equal Opportunity Act 2010 (Vic)
- Information Privacy Act 2000 (Vic)
- Racial and Religious Tolerance Act 2001 (Vic)
- Code of Conduct for Victorian Public Sector Employees
- Victorian Schools Reference Guide

Non-compliance with Policy

Non-compliance with WAI's Student Duty of Care Policy and any associated policies and procedures will be met with disciplinary action and may result in dismissal.